

### **REMARKS**

Applicants' undersigned attorney thanks the Examiner for his comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-37 are pending, with Claims 25-37 withdrawn from consideration.

### **Amendments to the Claims**

Claims 1-24 have been examined with no claims being allowed. Applicants have amended Claims 1 and 13, and canceled Claims 25-37. No new matter has been added by this Amendment.

Claims 1 and 13 have been amended to include the limitation of pushing the opposing side panels into the body portion a distance toward one another at the same time that one or both vacuum forces is holding onto the body portion. Support for this amendment is provided at page 30, lines 4-10, and page 30, line 23 – page 31, line 12, and in Figs. 5-7.

Applicants respectfully request cancellation of Claims 25-37 without prejudice.

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

### **Election/Restrictions**

In response to the Examiner's restriction requirement, Applicants affirm election of Group I, which includes Claims 1-24.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of Japanese Patent 9-131,364 (hereinafter "Japanese Patent '364") and Westphal et al. (U.S. Patent No.

4,739,910) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

The Examiner refers to the statements contained in Applicants' Background of the Invention on page 3, line 15 – page 4, line 5, of the present application as the “admitted prior art.” This section of the present application states that certain automated processes exist in which side panels are mechanically, or pneumatically, tucked into garments along a conveyor prior to the garments reaching a stacking or accumulation device, and that some processes use a vacuum to hold products on a conveyor. However, Applicants also point out the shortcomings of the prior art, namely the inconsistency in the location of the side panel folds resulting in creased fasteners, and the ineffectiveness of vacuums along the sides of the chassis. As stated on page 4, lines 6-8, in view of the admitted prior art, there is a need or desire for a method of tucking side panels in which the location of the side folds can be controlled and the occurrence of damaged or creased fastening components can be reduced or eliminated. The method of Applicants' Claims 1-24 provides such a method.

Japanese Patent '364 discloses a device and method for folding a pants type disposable diaper wherein a pants type disposable diaper is positioned between upper and lower conveyor belts. The upper and lower conveyor belts have a surface covered in Velcro®-type material that becomes entangled with the nonwoven fabric fiber of the disposable diaper (paragraphs 14 and 25). This reference states that the side parts of the pant are folded in between the front and back parts of the pant.

Westphal et al. disclose a method for inverting and/or tucking a child's training pant or the like. According to the method of Westphal et al., a pant garment is conveyed sideways between a pair of conveyor belt assemblies each in combination with a suction system. When the pant garment reaches the end of the conveyor, a plunger head pushes the garment off of the conveyor belt assemblies and into a folding and pleating cone. Once the garment is pushed through the cone, the garment is then passed onto a pair of pleating rods. The folding and pleating cone forms the garment into a somewhat flat configuration, while the pleating rods push the side portions of the garment into the body portion of the garment.

As shown in Fig. 1 and described at Col. 6, lines 1-7, of Westphal et al., the plunger head 148 and the folding and pleating cone 150 are disposed on opposite sides of the conveyor assemblies 32, 34. More particularly, the plunger head is disposed on a first side of the conveyor assemblies and the cone is disposed on a second side of the conveyor assemblies, such that when a garment is aligned with the conveyor assemblies between the plunger head and the cone, the plunger head is then pushed from the first side into the garment, and both the plunger and the garment are then pushed into the cone on the second side of the conveyor assemblies. Since the tucking takes place on the pleating rods extending from an end of the cone opposite the conveyor assemblies, the garment is not in contact with the conveyor assemblies or the suction system when the side portions of the garment are pushed into the body portion of the garment.

Both Japanese Patent '364 and Westphal et al. fail to disclose or suggest pushing opposing side panels into a body portion of a garment toward one another while, *at the same time*, opposing vacuum forces are holding apart the front region of the body portion from the back region of the body portion. Furthermore, in the method of Westphal et al., garments proceed along the conveyor assemblies with the garments arranged perpendicularly to the direction in which the garments in the present invention proceed along a conveyor. Because the garments in Westphal et al. are in a completely different orientation than the garments in both Japanese Patent '364 and the method of the present invention, the steps and limitations of the inventions necessarily differ from one another, with one of the differences being that the garments in Westphal et al. are removed from the conveyor and suction systems prior to pushing in the side portions of the garments.

Additionally, because the garments in the present invention are carried along the conveyor belts in an orientation in which the center longitudinal axis of the garment is parallel to the longitudinal edges of the conveyor belts, the garments are consequently relatively symmetrical with respect to the center longitudinal axis of the conveyor belts. Thus, by separating vacuum zones with respect to inner and outer longitudinal areas, different levels of vacuum attachment are provided between the side portions versus the central portion in the garment of the present invention. Such

longitudinal vacuum zones would be illogical in Westphal et al. because different levels of vacuum attachment would be provided between the crotch and waist regions versus the transverse central portion of the garment, which would not have any bearing on the actual tucking of the side portions as is the purpose of the longitudinal vacuum zones in the present invention. Thus, there is no motivation to combine the teachings of Japanese Patent '364 or Westphal et al., or to modify the teachings of either Japanese Patent '364 or Westphal et al. to achieve the present invention.

For at least the reasons given above, Applicants respectfully submit that the teachings of the admitted prior art in view of Japanese Patent '364 and Westphal et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Double Patenting Rejection**

The provisional rejection of Claims 1-24 under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of copending U.S. Application No. 09/967,024 in view of the admitted prior art and Japanese Patent 9-131,364 is respectfully traversed.

The present application and U.S. Application No. 09/967,024 are both pending. Allowable subject matter, notwithstanding the provisional obviousness-type double patenting rejection, has not been indicated in either of these applications. Where a provisional rejection under the judicially created doctrine of obviousness-type double patenting is made between two or more applications, M.P.E.P. §804(I)(B) states that "[i]f the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." It is not evident which of the pending applications will become allowable first. Therefore, any action by Applicants with regard to this provisional rejection is premature.

**Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melante I. Rauch", written in a cursive style.

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